

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: MAY 28, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-34176 - APPLICANT/OWNER: GREAT WASH PARK, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**      **APPROVAL**, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Liquor Establishment (Tavern) use, if approved.
2. Conformance to the conditions for Rezoning (ZON-5653), Special Use Permit (SUP-5853) and Site Development Plan Review (SDR-10770) if approved.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a proposed 2,000 square-foot Liquor Establishment, Tavern with a Waiver to allow a zero-foot distance separation from a similar use and a 141-foot distance separation from a City Park where 1500 feet is the minimum required at 330 South Rampart Boulevard, Suite #195. The proposed Liquor Establishment, Tavern with associated Waivers is consistent with previous approvals and can be conducted in a compatible and harmonious manner with other uses in the area; therefore, staff is recommending approval of this application.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc and Property Sales</i>	
01/26/98	The City Council approved a Rezoning (Z-0127-97) from U (Undeveloped) zone, (M (Medium Density Residential) and SC (Service Commercial) General Plan Designation), under Resolution of Intent to R-PD16 (Residential Planned Development – 16 Units per Acre), to C-2 (General Commercial) at the northeast corner of the intersection of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval of the request.
01/16/04	A deed was recorded for a change of ownership.
03/02/05	The City Council approved a request for a Site Development Plan Review (SDR-5657) to allow a Mixed-Use development to include 700,000 square feet of commercial space and 375 residential condominium units in one 10-story and two five-story residential condominium buildings on 30.21 acres adjacent to the northeast corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval of the request.
03/02/05	The City Council approved a request for a Special Use Permit (SUP-5853) to allow a proposed Mixed-Use commercial and residential development adjacent to the northeast corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval of the request.
04/19/06	The City Council approved a request for a Variance (VAR-10773) to allow 3,955 parking spaces where 4,961 parking spaces is the minimum number of parking spaces required for a proposed Mixed-Use development on 28.69 acres at 8750 Alta Drive. The Planning Commission recommended approval, but staff recommended denial of the request.
04/19/06	The City Council approved a request for a Site Development Plan Review (SDR-10770) for a 10-story Mixed-Use development consisting of 699,000 square feet of commercial space and 340 residential units on 28.69 acres 8750 Alta Drive. The Planning Commission recommended approval, but staff recommended denial of the request.

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06/06/07	The City Council approved a Review of Condition (ROC-21668) to modify Condition Number 9 of an approved Site Development Plan Review (SDR-10770) which stated that all perimeter landscape buffers shall comply with the minimum requirements listed in Title 19.12. Tree spacing within the buffers shall conform to the minimum requirements listed in Title 19.12. To allow a four-foot landscape buffer along the south property line where eight feet is the minimum required for an approved mixed-use development on 28.69 acres at 420 South Rampart Boulevard. Staff recommended approval of the request.
07/12/07	The Planning Commission approved a Tentative Parcel Map (TMP-20197) for a 324 unit Mixed-Use development on 28.62 acres at 302 South Rampart Boulevard. Staff recommended approval of the request.
10/01/08	The City Council approved a request for a Special Use Permit (SUP-28998) for a Supper Club and a Waiver to allow a 141-foot separation from a City Park where 400 feet is the minimum required at the northeast corner of Rampart Boulevard and Alta Drive. The Planning Commission and staff recommended approval of the request.
12/17/08	The City Council approved a request for a Special Use Permit (SUP-30583) for a proposed 12,195 square-foot Supper Club and a Waiver to allow a distance separation from a City Park where 400 feet is the minimum required at 440 South Rampart Boulevard, Suite #8120. The Planning Commission and staff recommended approval of the request.
05/28/09	The Planning Commission will hear a related Special Use Permit (SUP-34175) for a proposed Liquor Establishment, Tavern with a Waiver to allow a zero-foot distance separation from a similar use and a 141-foot distance separation from a City park where 1500 feet is the minimum required at 330 South Rampart Boulevard, Suite #215. Staff is recommending approval of the request.
<b><i>Related Building Permits/Business Licenses</i></b>	
There is no business license history at 330 S. Rampart Boulevard, since the building has not received its final certificate of occupancy.	
02/25/09	A Building Permit (#7002907) was issued for a renewal of a permit for a certificate of occupancy for building #11.
<b><i>Pre-Application Meeting</i></b>	
03/16/09	<p>A pre-application meeting was held and the submittal requirements of a Special Use Permit application were discussed.</p> <ul style="list-style-type: none"> <li>• Waivers from a protected City Park and a similar Liquor Establishment (Tavern) use were also discussed.</li> </ul>
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	

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<b>Field Check</b>	
04/24/09	A field check was completed on the indicated date. A Mixed-Use development is currently under construction at 330. S. Rampart Boulevard was noted.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	28.62 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Mixed-Use Development (under construction)	GC (General Commercial)	C-2 (General Commercial)
North	Angel Park	PR-OS (Parks/Recreation and Open Space)	C-V (Civic)
South	Shopping Center	SC (Service Commercial)	PD (Planned Development)
East	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
West	Casino	SC (Service Commercial)	C-1 (Limited Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

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**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Mixed-Use	794,482 SF & 340 Residential Units	See parking section below					Y
TOTAL			4,961		3,955		Y

<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
No Liquor Establishment (Tavern) shall be located closer than 1500-feet from a church, synagogue, child care facility licensed for 12 or more children, City Park or a Liquor Establishment (Tavern)	A Waiver to allow a zero-foot distance from a similar use and a 141-foot distance separation from a City Pak	Approval

**ANALYSIS**

- Use**

A Liquor Establishment, Tavern is defined as a facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.

- Parking**

Title 19.04 sets required parking for Mixed-Use development on a case-by-case basis, depending on the requirements of the individual uses represented on the site. The City Council approved a Variance (VAR-10773) to allow 3,955 parking spaces when 4,961 parking spaces were required based on the uses outlined in the Site Development Plan Review (SDR-10770).

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- **Waivers**

The applicant is requesting a Waiver from a similar use and a City Park, pursuant to the Minimum Special Use Permit requirements number 5d. The first Waiver is from a similar use, which is a Tavern located at the Angel Park Golf Club and the subject Mixed-Use development. The Angel Park Golf Club and subject Mixed-Use development are located, on and adjacent to the subject site or zero feet from a similar use. The second Waiver is from a City Park, which is approximately 140 feet from the proposed Tavern. Finally, a proposed Private School, Primary is to be located within Boca Park. The Special Use Permit (SUP-33770) and Site Development Plan Review (SDR-33773) will be heard by the Planning Commission on 05/28/09.

The requested Waivers are appropriate on the subject site. First, the Waiver from a similar use is consistent with the adoption of Ordinance 6013, which allows the minimum separation distances for Taverns to be waived in Mixed-Use developments. Second, the Waiver from a City Park is appropriate as the proposed Tavern is approximately two miles away walking distance, but 141 feet measured diagonally. Finally, the proposed Private School, Primary use will be 1460 feet from the proposed Liquor Establishment (Tavern) use where 1500 feet is the minimum distance required. A Waiver for the minimum distance separation from the proposed Private School, Primary use is not needed as it has not received any entitlements to date. The requested Waivers are appropriate on the subject site, therefore staff is recommending approval of the proposed Liquor Establishment (Tavern).

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The C-2 (General Commercial) zoning district is consistent with the General Plan designation of GC (General Commercial). The proposed Supper Club is a compatible use with neighboring commercial and residential uses within the approved Mixed-Use development. Therefore, the proposed use will be compatible and harmonious with the existing uses and future surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

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The site is physically suitable for this type of use and the intensity is appropriate in this area of the City. Ample site access is provided and adequate parking is being provided in accordance with the approved Variance (VAR-10773) for the Mixed-Use development. The proposed Liquor Establishment, Tavern is appropriate in these types of Mixed-Use developments.

**3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The subject site is accessed by Rampart Boulevard, a 100-foot Primary Arterial, or by Alta Drive, an 80-foot Collector Street, as depicted within the Master Plan for Streets and Highways. Both streets are sufficient to accommodate the amount of vehicular trips associated with the proposed use.

**4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed use will not result in detrimental effects to the human health and public safety as the project must comply with Chapter 6.50 of the Municipal Code, as well as section 268.090 of the Nevada Revised Statutes, which further governs the sale and distribution of alcoholic beverages.

**5. The use meets all of the applicable conditions per Title 19.04.**

The proposed use does not meet all Minimum Special Use Permit Requirements pursuant to Title 19.04 due to the proximity to a City Park and another Liquor Establishment (Tavern). The Waiver of the minimum distance separation requirement is appropriate for the proposed use within a Mixed-Use development due to the proximity to a City Park and the adoption of Ordinance 6013.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 34

**SENATE DISTRICT** 8

**NOTICES MAILED** 723

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**APPROVALS** 3

**PROTESTS** 4